

DISCUSSION OF THE AMENDMENT

Claims 3 and 4 have been amended by changing “derivative” to the equivalent --compound--. Claim 7 has been amended to depend on Claim 2 and be otherwise consistent with (and narrower than) Claim 4. Claim 9 has been amended by changing “agent” to --composition--. Claims 10 and 15 have been canceled. Claim 11 has been amended into a method claim, dependent on Claim 14.

No new matter is believed to have been added by the above amendment. With entry thereof, Claims 1-4, 6-9, 11, and 14 will be pending in the application.

REMARKS

Applicants thank the Examiner for the courtesy extended to Applicants' attorney during the interview held November 15, 2006, in the above-identified application. During the interview, Applicants' attorney explored with the Examiner the various issues raised in the Office Action. The discussion is summarized and expanded upon below.

The rejection of Claims 3, 4, 7 and 9-11 under 35 U.S.C. § 112, second paragraph, at paragraph 3 of the Office Action, is respectfully traversed. Indeed, the rejection would now appear to be moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that the rejection be withdrawn.

The rejection of Claims 9-11, 14 and 15 under 35 U.S.C. § 112, first paragraph, is respectfully traversed. Applicants gratefully acknowledge the Examiner's withdrawal of the rejection of Claim 14, as indicated in the Interview Summary for the above-referenced interview. The rejection of Claims 9-11 would appear to be moot, since Claim 9 is drawn to a composition, Claim 10 has been canceled, and Claim 11 now depends on Claim 14.

Regarding Claim 15, the Examiner's rationale is that since it is not limited to a specific disease, it is not known which diseases are capable of being responsive to the inhibition of IgE antibody protection, that the scope of such diseases and/or disorders associated with the inhibition of IgE antibody production could alter over time, and that Applicants are not entitled to preempt the efforts of others.

In reply, there is no question that the inventive bis(5-aryl-2-pyridyl) compound is active to inhibit IgE antibody production, and is thus effective for treating a subject suffering from an allergic immune disease. Whether or not the **policy** should be that claims drawn to treating, in effect, the cause of a disease, as opposed to the disease itself, is a matter for Congress to decide. It is not the law. A specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope

to those used in describing and defining the subject matter sought to be patented must be taken as being in compliance with the enablement requirement of 35 U.S.C. §112, first paragraph, unless there is a reason to doubt the objective truth of the statement contained therein which must be relied on for enabling support. The first paragraph of 35 U.S.C. §112 requires nothing more than objective enablement. See *In re Marzocchi*, 439 F. 2d 220, 169 USPQ 367 (CCPA 1971), and M.P.E.P. 2164.04. The Examiner has set forth no reasons why one skilled in the art would doubt the truth of any statement in Applicants' disclosure.

Note that allowing Claim 15 would not preempt the efforts of others. Suppose a future inventor were to discover a link between IgE antibody production inhibition and pancreatic cancer. Claim 15 would not preempt the following claim:

A method of treating pancreatic cancer, which comprise administering an effective IgE antibody production inhibiting amount of the bis(5-aryl-2-pyridyl) compound or a salt thereof . . . to a subject with pancreatic cancer.

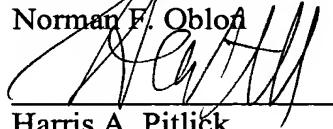
Nevertheless, the issue is moot in view of cancellation of this claim. Accordingly, it is respectfully requested that this rejection be withdrawn.

Applicants gratefully acknowledge the Examiner's allowance of Claims 1, 2 and 6 and the withdrawal of the rejection of Claim 14. Nevertheless, Applicants respectfully submit that all of the presently-pending claims in this application are now in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon

  
Harris A. Pitlick  
Registration No. 38,779

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 03/06)

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